



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक ५८]

गुरुवार, फेब्रुवारी २०, २०१४/फाल्गुन १, शके १९३५

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असाधारण क्रमांक १०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Regional and Town Planning (Amendment and Continuance) Ordinance, 2014 (Mah. Ord. VI of 2014), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Principal Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Regional and Town Planning (Amendment and Continuance) Ordinance, 2014 (Mah. Ord. VI of 2014), published under the authority of the Governor.].

URBAN DEVELOPMENT DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 20th February 2014.

MAHARASHTRA ORDINANCE No. VI OF 2014.

AN ORDINANCE

further to amend the Maharashtra Regional and Town Planning Act, 1966.

WHEREAS the Governor of Maharashtra with a view to amend the Maharashtra Regional and Town Planning Act, 1966, promulgated the Maharashtra Regional and Town Planning (Amendment) Ordinance, 2013, on the 4th October 2013 (hereinafter referred to as "the said Ordinance");

AND WHEREAS upon the re-assembly of the State Legislature on the 9th December 2013, at Nagpur, a Bill for converting the said Ordinance into an Act of the State Legislature was introduced in the Maharashtra Legislative Assembly as L. A. Bill No. XXXVI of 2013, on the 11th December 2013 ;

AND WHEREAS the said Bill could not be passed by the State Legislature, as the session of the State Legislature was prorogued on the 20th December 2013 ;

AND WHEREAS as provided by article 213 (2) (a) of the Constitution of India, the said Ordinance ceased to operate after 19th January 2014, the date on which the period of six weeks from the date of re-assembly of the State Legislature expired ;

AND WHEREAS it is considered expedient to continue the operation of the said Ordinance after incorporating certain minor amendments to the said Act ;

AND WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance after incorporating certain minor amendments to the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing ;

Mah.
XXXVII
of 1966.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title and
commencement.

1. (1) This Ordinance may be called the Maharashtra Regional and Town Planning (Amendment and Continuance) Ordinance, 2014.

(2) It shall be deemed to have come into force on the 4th October 2013.

Amendment of
Heading of
Chapter III of
Mah. XXXVII
of 1966.

2. In Chapter III of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the principal Act”), under the heading “DEVELOPMENT PLAN”, for sub-heading “(a) *Preparation, submission and sanction to Development plan.*”, the following sub-heading shall be substituted, namely :—

Mah.
XXXVII
of 1966.

“(a) *Declaration of intention, preparation, submission and sanction to Development plan.*”.

Amendment of
section 21 of
Mah. XXXVII
of 1966.

3. In section 21 of the principal Act,—

(a) in sub-section (2), for the words “prepare a draft Development plan and publish a notice of such preparation in the *Official Gazette*” the words “declare its intention to prepare a draft Development plan, prepare such plan and publish a notice of such preparation in the *Official Gazette*” shall be substituted ;

(b) in sub-section (4),—

(1) for the words “If the draft Development plan is not submitted” the words and figures “If the declaration of intention to prepare Development plan under section 23 is not made or if the draft Development plan is not submitted” shall be substituted ;

(2) for the words “the concerned Divisional Deputy Director of Town Planning or an Officer nominated by him who is not below the rank of Assistant Director of Town Planning may, after carrying out the necessary survey of the area and preparing an existing-land-use map in consultation with the Director of Town Planning”, the words “the concerned Divisional Joint Director or Deputy Director of Town Planning and Valuation Department or an Officer not below the rank of an Assistant Director of Town Planning nominated by him, as the case may be, may after declaring the intention, carry out necessary survey of the area and prepare an existing-land-use map in consultation with the Director of Town Planning and” shall be substituted ;

(c) in sub-section (4A),—

(1) the figures “23,” and “, 28” shall be deleted ;

(2) for the words “the concerned Divisional Deputy Director of Town Planning or an Officer nominated by him who is not below the rank of Assistant Director of Town Planning” the words “the concerned Divisional Joint Director or Deputy Director of Town Planning and Valuation Department or an Officer nominated by him not below the rank of an Assistant Director of Town Planning, as the case may be,” shall be substituted;

(3) the following provisos shall be added, namely :—

“Provided that, the said Officer shall exercise all the powers and perform all the duties of the Planning Authority within such period as may be specified by an order by the Director of Town Planning, having regard to the stage of preparation of Development plan :

Provided further that, the period specified under the first proviso shall not exceed the original period stipulated under the relevant section.”.

4. To section 25 of the principal Act, the following proviso shall be added, namely :—

Amendment of section 25 of Mah. XXXVII of 1966.

“Provided that, the period so extended shall not in any case exceed one year in the aggregate.”.

5. In section 26 of the principal Act, in sub-section (1),—

Amendment of section 26 of Mah. XXXVII of 1966.

(1) before the first proviso, the following proviso shall be inserted, namely :—

“Provided that, in case of a Municipal Corporation having population of ten lakhs or more as per the latest census, the period for inviting objections and suggestions shall be sixty days from the date of notice in the *Official Gazette* :”;

(2) in the first proviso, for the words “Provided that” the words “Provided further that” shall be substituted ;

(3) for the second proviso, the following proviso shall be substituted, namely :—

“Provided also that, the period so extended shall not in any case, exceed,—

(i) twelve months, in the aggregate, in case of a Municipal Corporation having a population of ten lakhs or more, as per the latest census figures ; and

(ii) six months, in the aggregate, in any other case. ” .

6. In section 28 of the principal Act,—

Amendment of section 28 of Mah. XXXVII of 1966.

(a) in sub-section (2), for the second proviso, the following proviso shall be substituted, namely :—

“Provided further that, where the Divisional Joint Director or Deputy Director of the Town Planning and Valuation Department or an officer nominated by him under sub-section (4) of section 21, as the case may be, exercises the powers and performs the duties of the Planning Authority, then the Planning Committee may consist of such Divisional Joint Director or Deputy Director or, as the case may be, of such officer. ” ;

(b) in sub-section (3), for the words “ not later than two months from the date of its appointment ” the words “ within a period of two months from the date of its appointment or within such extended period as the Planning Authority may specify ” shall be substituted.

Amendment of
section 30 of
Mah. XXXVII
of 1966.

7. In section 30 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely :—

“ Provided that, the State Government may, on an application by a Planning Authority or the said Officer by an order in writing, and for adequate reasons which should be recorded, extend from time to time the said period by such further period as may be specified in the order but not in any case exceeding,—

(i) twelve months, in case of a Municipal Corporation having population of ten lakhs or more, as per the latest census figures, and

(ii) six months, in any other case, as may be specified in such order. ” .

Amendment of
section 31 of
Mah. XXXVII
of 1966.

8. In section 31 of the principal Act,—

(a) in sub-section (1), for the first proviso, the following proviso shall be substituted, namely :—

“ Provided that, the State Government may, if it thinks fit, whether the said period has expired or not, extend from time to time, by notification in the *Official Gazette*, the period for sanctioning the draft Development plan or refusing to accord sanction thereto, by such further period not exceeding,—

(i) twelve months, in case of a Municipal Corporation having population of ten lakhs or more, as per the latest census figures ; and

(ii) six months, in any other case, as may be specified in such notification : ” ;

(b) in sub-section (2),—

(i) for the words and figure “ Class I officer ” the words and letter “ Group A officer ” shall be substituted ;

(ii) after the words “to the State Government” the following shall be inserted, namely :—

“ within one year from the date of publication of notice under second proviso to sub-section (1) ” ;

(c) to sub-section (3), the following provisos shall be added, namely :—

“ Provided that, the time-limits as provided in sub-sections (1) and (2) shall not apply for according sanction to the modifications published under sub- section (1) :

Provided further that, the Government shall take final decision regarding such modifications within one year from the date of receipt of the report from the officer appointed under sub-section (2). ” .

Insertion of
section 148-A
in Mah.
XXXVII of
1966.

9. After section 148 of the principal Act, the following section shall be inserted, namely :—

Exclusion of
time in certain
cases.

“ **148-A.** In computing the period, in relation to any Development plan, Regional plan or scheme under the provisions of Chapters II,

III, IV and V of this Act, the period or periods during which any action could not be completed under the said Chapters, due to any interim order of any Court, shall be excluded. ” .

10. For the removal of doubt it is hereby declared that,—

Removal of
doubt.

Mah.
Ord. VI
of 2014.

(i) where the provisions of the principal Act, prior to its amendment by the Maharashtra Regional and Town Planning (Amendment and Continuance) Ordinance, 2014 (hereinafter referred to as “ the said Ordinance ”) do not fix any time-limit for doing anything, the time-limit for doing such thing fixed in accordance with the provisions of the principal Act, as amended by the said Ordinance shall be reckoned from the date of commencement of the said Ordinance ;

(ii) where the provisions of sections 21, 25, 26, 28, 30 and 31 of the principal Act, prior to its amendment by the said Ordinance, provide for time-limit for doing anything, which has been revised by the said Ordinance, the additional period, if any, due to such revision shall be reckoned from the date of expiry of the original time period obtaining in the relevant provision, prior to the amendment of the principal Act, by the said Ordinance or the date of commencement of the said Ordinance, whichever is later.

Mah.
Ord. XV
of 2013.

11. (1) The Maharashtra Regional and Town Planning (Amendment) Ordinance, 2013, is hereby repealed.

Repeal of
Mah. Ord. XV
of 2013 and
saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Ordinance.

12. (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Ordinance, the State Government may, by order published in the *Official Gazette*, give such directions, not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

Power to
remove
difficulty.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

STATEMENT.

Sections 21 to 31 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), deal with the preparation, submission and sanction to Development plan. By the Maharashtra Regional and Town Planning (Second Amendment) Act, 2010 (Mah. X of 2011), which has come into force on the 5th April 2011, the time-limits for preparation, submission and sanction to the Development plan have been revised, with a view to expediting the process therefor so as to complete the same within a period of three and half years to four years.

2. The Act provided uniform time-limits for completing the various stages of preparation, submission and sanctioning of Development plan, irrespective of whether such plan is for a small town or a Metropolitan City like Mumbai. It was noticed that the planning authorities of the bigger cities, having regard to area, rapid urbanization and the complex problems arising therefrom, were experiencing time-constraints in preparing the Development Plans and submitting them for sanctioning within the stipulated time-limits. It was also observed that, the time-limit of thirty days then obtaining in sub-section (1) of section 26 of the Act, for inviting objections and suggestions, was not adequate for big cities.

3. The work of preparation of the revised draft Development plan for Brihan Mumbai was then in progress and having regard to the above circumstances, the Planning Authority had conveyed that it may not be possible for it to publish the draft Development plan within the statutory time-limit. In the light of the above, it became necessary to urgently incorporate suitable provisions in the said Act for granting extension of the then stipulated time-limits for the bigger cities having population of ten lakh or more as per the latest census. It was also necessary to urgently incorporate provisions for removal of doubt regarding application of the amended time-limits.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), for the purposes aforesaid, the Maharashtra Regional and Town Planning (Amendment) Ordinance, 2013 (Mah. Ord. XV of 2013) was promulgated by the Governor of Maharashtra on the 4th October 2013.

5. Thereafter, upon the re-assembly of the State Legislature on the 9th December 2013, at Nagpur, a Bill for converting the said Ordinance into an Act of the State Legislature was introduced in the Maharashtra Legislative Assembly, as L. A. Bill No. XXXVI of 2013, on the 11th December 2013. However, the said Bill could not be passed, as the session of the State Legislature was prorogued on the 20th December 2013. As provided by article 213 (2) (a) of the Constitution of India, the said Ordinance ceased to operate after 19th January 2014. However, the Government considers it expedient to continue the operation of the said Ordinance after incorporating therein certain further minor amendments to the said Act.

6. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the provisions of the said Ordinance, after incorporating certain minor amendments to the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), this Ordinance is promulgated.

Mumbai,
Dated the 17th February 2014.

K. SANKARANARAYANAN,
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

MANUKUMAR SRIVASTAV,
Principal Secretary to Government.